

## Article - Transportation

[\[Previous\]](#)[\[Next\]](#)

§23–202.

(a) (1) Subject to subsection (d) of this section, the Administration and the Secretary shall establish an emissions control program in the State in accordance with the federal Clean Air Act.

(2) The program shall remain in effect only as long as required by federal law.

(b) (1) Subject to paragraph (3) of this subsection, the emissions control program shall provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

(2) The emissions control program may not authorize an exhaust emissions test or emissions equipment and misfueling inspection for any vehicle of a model year earlier than the 1977 model year.

(3) (i) In this paragraph, “qualified hybrid vehicle” means an automobile that:

1. Meets all applicable regulatory requirements;

2. Meets the current vehicle exhaust standard set under the federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.; and

3. Can draw propulsion energy from both of the following sources of stored energy:

A. Gasoline or diesel fuel; and

B. A rechargeable energy storage system.

(ii) A qualified hybrid vehicle is not required to submit to a first exhaust emissions test and emissions equipment and misfueling inspection until 3 years after the date on which the vehicle was first registered in the State.

(c) By rules and regulations, the Administration and the Secretary:

(1) Shall grant a waiver to a vehicle owner if:

(i) The vehicle fails to pass the exhaust emissions test;

(ii) The vehicle owner exhibits evidence acceptable to the Administration that the owner, for an initial exhaust emissions test occurring:

1. In calendar years 1998 through 1999 has actually incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after the initial exhaust emissions test;

2. In calendar years 2000 through 2001 has actually incurred an expenditure towards emissions related repairs to the vehicle within 120 days after the initial exhaust emissions test in an amount of:

A. \$200 for vehicles of model years 1990 and older;

B. \$300 for vehicles of model years 1991 through 1997;

or

C. \$450 for vehicles of model years 1998 and newer; and

3. On or after January 1, 2002, has actually incurred an expenditure of \$450 towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test;

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (ii) of this item for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal law, whichever is longer, a retest is not required; and

(iv) The vehicle owner exhibits evidence that the emissions related repairs qualifying for a waiver under items (ii) and (iii) of this item were performed by a repair technician and at a repair facility both certified under item (4) of this subsection;

(2) Notwithstanding the provisions of this section, may not grant a waiver if it is found in the testing process that factory-installed emissions equipment has been tampered with or removed, or that the vehicle has been misfueled;

(3) Unless otherwise prohibited by federal law, may grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;

(4) Shall establish criteria to certify repair technicians and facilities for the purpose of bringing vehicles into compliance with the applicable emissions standards, including the payment of reasonable fees to cover the costs of administering and overseeing the certification program;

(5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair technician or facility upon evidence that vehicles repaired by that technician or facility for the purpose of bringing them into compliance with the applicable emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair technician or facility is not meeting satisfactory performance standards;

(6) Shall define the inspection parameters for the emissions equipment and misfueling inspection;

(7) Shall adopt a schedule for the exhaust emissions test;

(8) Shall adopt a schedule for the emissions equipment and misfueling inspections; and

(9) Shall establish, under Title 2 of the Environment Article, emissions standards to be used for the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles under this subtitle.

(d) (1) Notwithstanding subsection (c)(6) of this section or any other provision of law, during the period from January 1, 1995 through May 31, 1997, the emissions control program established under this subtitle may not require for any vehicle other than a State-owned vehicle or, to the extent authorized by federal law, a federally owned vehicle:

(i) Transient mass-emission testing using the IM 240 driving cycle referenced under 40 C.F.R. Part 51;

(ii) An evaporative system integrity (pressure) test or an evaporative system transient purge test that requires the disconnection or manipulation of any engine component, including any hose or emissions equipment, that is located in the vehicle's engine compartment;

(iii) Removal of the driver from a vehicle being tested or inspected; or

(iv) On-road testing.

(2) (i) The Administration, in consultation with the Secretary, shall develop and offer to owners of vehicles subject to the emissions control program an incentive program designed to encourage voluntary submission to the test described in paragraph (1)(i) of this subsection.

(ii) Notwithstanding the provisions of § 23-205(a)(2) of this subtitle and subsection (c)(1) of this section, the incentives offered under this paragraph may include reduced test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures incurred for emissions related repairs necessary to obtain a waiver, and any other cost-effective incentive that is consistent with State and federal law and is reasonably expected by the Administration to increase the number of vehicles that undergo the test described in paragraph (1)(i) of this subsection.

(iii) 1. The Administration shall notify vehicle owners of the opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of this paragraph.

2. The notice required under this subparagraph shall be:

A. Prominently displayed at all emissions inspection facilities; and

B. Included by the Administration in test notices and other mailings related to the emissions control program that are directed to vehicle owners.

[\[Previous\]](#)[\[Next\]](#)